

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ORDER STRIKING AND UNFILING DOCUMENT(S)**

The Court has independently determined that the document(s) below should be stricken and unfiled. Accordingly, it is ordered that the document(s) is/are stricken from the record of this case, and the Clerk is directed to note on the docket that the document(s) has/have been unfiled.

6/29/2023

DATE


U.S. DISTRICT/MAGISTRATE JUDGE

NOTICE OF DEFICIENCY

Judge: Cureton

Date: 6/27/2023

Case Number: 4:23-cv-288-P

Style: Yan v. Taylor, et al.

A(n) Sur-Reply to Defendants' Motion to Dismiss [doc. 58] has been filed by
Plaintiff and is considered deficient in the area(s) noted below:

1. A civil cover sheet must be filed with the complaint. See LR 3.1(a) or LR 3.2(c).
2. The document(s) must be in proper form. See LR 10.1 or LCrR 49.3.
3. The signature of the attorney of record, which includes a party proceeding *pro se*, is required on each document filed. See FED. R. Civ. P. 11(a), FED. R. Crim. P. 49(d), LR 11.1(b), or LCrR 49.5(b).
4. A completed certificate of service is required. See FED. R. Civ. P. 5(d) or FED. R. Crim. P. 49(d).
5. Each separate document contained therein must be identified. See LR 5.1(c) or LCrR 49.2(c).
6. The motion or response must include:
 - a. certificate of conference or inability to confer. See LR 7.1(b) or LCrR 47.1(b).
 - b. brief in support of motion. See LR 7.1(d), LR 56.5(a), or LCrR 47.1(d).
 - c. proposed order. See LR 7.1(c) or LCrR 47.1(c).
 - d. documentary or non-documentary evidence in a separate appendix. See LR 7.1(i) or LR 56.6.
7. A motion for leave to amend must have a copy of the proposed amended pleading attached as an exhibit. See LR 15.1(a) and (b). If the motion for leave to amend is filed on paper, the motion must be accompanied by an original and second copy of the proposed amended pleading that is neither attached to the motion nor made an exhibit to the motion. See LR 15.1(a).
8. A motion for continuance of a trial setting must be signed by the party as well as by the attorney of record. See LR 40.1.
9. An attorney seeking *pro hac vice* admission must apply for admission on an approved form and pay the applicable fee. See LR 83.9(b) or LCrR 57.9(b).
10. Additional copies are required. See LR 5.1(b) or LCrR 49.2(b).
11. The attorney filing the pleading is not admitted to practice in this district. See LR 83.7 or LCrR 57.7.
12. The document requires a separately signed certificate of interested persons. See LR 3.1(c), LR 3.2(e), LR 7.4, LR 81.1 (a)(3)(D), or LR 81.2.
- ✓ 13. Other:

Under the local rules, the movants of a motion to dismiss, which in this case are Defendants, are generally entitled to file the last pleading to a motion. See N.D. Tex. Loc. Civ. R. 7.1. Plaintiff must file motion for leave to file a surreply before filing a document that supplements its previously-filed response. The Court notes that leave to file a surreply will be granted only in limited circumstances. See *Lacher v. West*, 147 F. Supp. 2d 538, 539 (N.D. Tex. 2001) (stating that surreplies are “highly disfavored” and leave to file them should be granted only in “exceptional or extraordinary circumstances”).